



U.S. Department
Of Transportation

**Federal Aviation
Administration**

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington
Wyoming

DEPT. OF TRANSPORTATION
DOC 7735

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Renton, WA 98057
Tel: (425) 227-2591
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November 26, 2007

Case No. 2007NM700064

VIA OVERNIGHT MAIL

Federal Aviation Administration
600 Independence Avenue SW
Wilbur Wright Building
Suite 2W1000
Washington, DC 20591
Attention: Hearing Docket Clerk, AGC-430

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RECEIVED

Re: ENTRY OF APPEARANCE, In the Matter of American Aviation
FAA Case No. 2007NM700064, Civil Penalty Case No. CP07NM0006
Assigned to Judge Richard C. Goodwin

FAA 2007-0009

The undersigned files and serves this Entry of Appearance, in accordance with 14 CFR §§ 13.204(b), 13.210, and 13.211.

Please serve all future documents on the undersigned.

Sincerely,

Carey W. Terasaki

Carey W. Terasaki
Senior Attorney
425-227-2591

cc: (via certified mail)

Robert S. Young
800 McIntyre Building
68 South Main Street
Salt Lake City, UT 84101

American Aviation
Attention: President
176 North 2200 West
Suite 250
Salt Lake City, UT 84116

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

In the Matter of
American Aviation

FAA DOCKET NO: CP07NM0006
FAA Case No. 2007NM700064

Judge Richard C. Goodwin

COMPLAINANT'S INITIAL DISCOVERY REQUEST

To: Respondent American Aviation

In accordance with 14 CFR Sections 13.220 and the Federal Rules of Civil Procedure, please respond to the following Interrogatories, Requests for Production of Documents, and Request for Admissions, separately and fully under oath by **December 26, 2007**.

These discovery requests are intended to discover information and/or documents not only within your personal knowledge or obtainable by you, but also information in the possession of or obtainable by your attorneys, investigators, representatives, employees, agents, or anyone acting on your behalf or on their behalf.

These discovery requests are continuing in nature and any information which may be discovered by you subsequent to the service and filing of your answers must be brought to the attention of the agency attorney through supplemental answers when it becomes available to you, at a reasonable time prior to the hearing in this matter. If there are any additions, deletions or changes in the answers or information provided at any time prior to hearing the Respondent is specifically requested to so immediately inform the agency attorney. If such information is not furnished, the agency attorney at the time of the hearing will move to exclude from evidence such information requested and not furnished.

The agency attorney further requests that the Respondent produce the documents identified and designated herein for inspection and copying at the FAA Office of Regional Counsel, Suite 570, 1601 Lind Avenue, SW, Renton, Washington 98057, by **December 26, 2007**.

In the Matter of American Aviation
COMPLAINANT'S INITIAL
DISCOVERY REQUEST

PRIVILEGE

If, in responding to, or failing to respond to these interrogatories, requests for admission and requests for production you invoke or rely upon any privilege of any kind, state specifically the nature of the privilege; the basis upon which you invoke, rely upon or claim it, including any statutory or decisional reference; and identify all documents or other information, including contacts and communications which you believe to be embraced by the privilege invoked.

DATED this 26th day of November 2007.

A handwritten signature in cursive script that reads "Carey W. Terasaki".

Carey W. Terasaki
FAA Attorney
425-227-2591

INTERROGATORIES AND REQUESTS FOR PRODUCTION

Interrogatory No. 1: Identify by name, address and telephone number all persons whom you know to have personal knowledge of the matters alleged in the Complaint.

Interrogatory No. 2: Identify by title, date, author, present custodian, and content, all documents, including correspondence, obtained by you or in your possession, relating to the assertions in the Complaint, your appeal, your answer, and any affirmative defenses which you anticipate raising in this matter.

REQUEST FOR PRODUCTION NO. 1: Provide a copy of all documents referred to in your answer to the preceding interrogatory.

Interrogatory No. 3: Identify by name, address and telephone number, all persons whom you intend to have testify as a factual or expert witness in your defense at the hearing in this matter, and for factual witnesses, provide a detailed summary of each persons anticipated testimony.

Interrogatory No. 4: Identify by title, date, author, present custodian, and content, all documents which you anticipate offering into evidence at the hearing in this matter, and through which witness or witnesses.

REQUEST FOR PRODUCTION NO. 2: Provide a copy of all documents referred to in your answer to the preceding interrogatory.

Interrogatory No. 5: With respect to each expert witness identified in response to Interrogatory No. 3, above, specify their specific area of expertise, and provide a synopsis of their credentials, background, training and experience.

Interrogatory No. 6: With respect to each expert you expect to call as a witness, state the subject matter on which the expert is expected to testify, and state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each such opinion.

Interrogatory No. 7: State by name, address, telephone number, date of conversation, and substance of conversation, all persons [other than legal counsel or spouse] with whom you have discussed the matters alleged in the complaint.

Interrogatory No. 8: Describe with specificity all of the facts which you anticipate presenting in the course of the hearing in this matter pertaining to the avoidance or mitigation of the sanction sought by the FAA in this case.

Interrogatory No. 9: Describe with specificity any and all affirmative defenses you intend to assert and who you are offering as witnesses in support of these defenses. Provide the name and address of said witnesses.

Request For Production No. 3: Provide a copy of all documents referred to in your answer to the preceding two interrogatories.

Interrogatory No. 10: Describe with specificity all of the documents you anticipate presenting in the course of the hearing in this matter to substantiate any financial inability to pay the proposed sanction sought by the FAA in this case.

Request For Production No. 4: Provide a copy of all hazardous material training records retained by the company concerning Janice Switzer.

Request For Production No. 5 Provide a copy of all cargo transportation contracts between Ameriflight and American Aviation that were in effect in March 2007. This request specifically includes all invoices issued to American Aviation from Ameriflight for services provided in March 2007.

Request For Production No. 6 Provide a copy of all contracts between Qwest Diagnostics, Inc. and American Aviation that were in effect in March 2007. This request specifically includes all invoices issued to Qwest Diagnostics for services provided in March 2007.

REQUEST FOR ADMISSIONS

Under 14 C.F.R. 13.220(b) and Rule 36 of the Federal Rules of Civil Procedure, you are requested to admit the truth of the following matters. A matter is admitted unless responded to in a reasonable time. The Rules of Practice in FAA Civil Penalty Actions, 14 C.F.R. 13.220(d), defines a reasonable time to be 30 days. The agency requests that an answer is served upon the agency attorney either admitting the matter, specifically denying the matter, stating why the matter cannot be admitted or denied, or objecting to the request, with reasons for the objection stated by **December 26, 2006**.

REQUEST FOR ADMISSION NO 1: Admit that, in March 2007, American Aviation was a hazmat employer as defined in 49 U.S.C. § 171.8

REQUEST FOR ADMISSION NO 2: Admit that, in March 2007, American Aviation regularly accepted for transport in air commerce hazardous materials.

REQUEST FOR ADMISSION NO 3: Admit that, in March 2007, American Aviation regularly transported hazardous material in air commerce.

REQUEST FOR ADMISSION NO 4: Admit that, in March 2007, American Aviation offered hazardous material for transport in air commerce.

REQUEST FOR ADMISSION NO 5: Admit that, on March 14, 2007, at Rock Springs, Wyoming, American Aviation offered a hazardous material to Ameriflight for transport in air commerce.

REQUEST FOR ADMISSION NO 6: Admit that, on March 14, 2007, American Aviation offered to Ameriflight a fiberboard box that contained the markings and label "Biological Substance, Category B, Class 6.2, UN 3373."

REQUEST FOR ADMISSION NO. 7: Admit that, on March 14, 2007, American Aviation offered to Ameriflight a shipment for transport from Rock Springs, Wyoming to Salt Lake City, Utah, by use of airway bill no. 04205670.

REQUEST FOR ADMISSION NO. 8: Admit that, on March 14, 2007, Janice Switzer was an employee of American Aviation.

REQUEST FOR ADMISSION NO. 9: Admit that, on March 14, 2007, at Rock Springs, Wyoming, American Aviation employee Janice Switzer offered to Ameriflight three fiberboard boxes for transport in air commerce.

REQUEST FOR ADMISSION NO. 10: Admit that, on March 14, 2007, at Rock Springs, Wyoming, American Aviation employee Janice Switzer offered to Ameriflight three fiberboard boxes for transport in air commerce that identified their contents as "Biological Substance Category B, UN 3373, Class 6.2".

REQUEST FOR ADMISSION NO. 11: Admit that the requested \$10,000 in the Complaint is consistent with the Administrator's Hazardous Materials Sanction Guidelines published at 64 Federal Register 19443 - 19450 (April 21, 1999).

REQUEST FOR ADMISSION NO. 12: Admit that American Aviation has the financial ability to pay the \$10,000 requested in the Complaint in this case.

REQUEST FOR ADMISSION NO. 13: Admit that American Aviation has prior hazardous material violation of 49 C.F.R. §§ 172.702(a) and 173.199(e), among others, for a violation that occurred in October 2005.

REQUEST FOR ADMISSION NO 14: Admit that, on March 14, 2007, Special Agent Jim Berg interviewed Janice Switzer at Rock Springs, Wyoming.

REQUEST FOR ADMISSION NO 15: Admit that, prior to having its Air Carrier Part 135 operating certificate revoked in 2006, American Aviation was a "will carry" hazmat air carrier.

The undersigned Respondent herein has read the foregoing answers, and they are in compliance with Rules 11 and 26(g) of the Federal Rules of Civil Procedure.

DATED this _____ day of December, 2007.

American Aviation
Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Entry of Appearance and Complainant's Initial Discovery Request has been served via facsimile and certified mail (or regular mail) to:


Robert S. Young (Regular and Certified Mail)
800 McIntyre Building
68 South Main Street
Salt Lake City, UT 84101

Richard C. Goodwin (Facsimile and Certified Mail)
Administrative Law Judge
Office of Hearings, M-20
Room 5411
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590
Fax: (202) 366-7536

Attn: Docket Clerk, AGC-430 (Facsimile and Certified Mail)
Hearing Docket (original and one copy)
Federal Aviation Administration
Wilbur Wright Building, Room 2W1000
800 Independence Ave., SW
Washington, DC 20591
Fax: (202) 493-5020

American Aviation (Regular and Certified Mail)
Attn: President
176 North 2200 West
Suite 250
Salt Lake City, UT 84116

Dated this 26th day of November.



Sheri Brown
Program Support Specialist
Office of Regional Counsel, (ANM-7)
Federal Aviation Administration
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